

placed in condition for allowance. Accordingly, reconsideration and allowance of this application is respectfully requested.

On page 2, paragraph 2 of the office action, the Examiner has rejected claims 1-23 under 35 U.S.C. §103(a) as being unpatentable over Skalla, et al (USPN: 6,367,606) and prior art cited by the Applicants. In response, Applicants have enclosed herewith a Declaration under 37 C.F.R. §1.131 with attached Exhibits A – H. This document establishes that Applicants' invention was reduced to practice prior to the October 15, 1999 filing date of the provisional application from which the Skalla patent relies on priority. Accordingly, the Skalla reference cannot be used to support this rejection. Based upon the facts of record, the timing of the filing and issuance of Skalla does not qualify it as prior art for purposes of 35 U.S.C. §102 or §103. Therefore, Applicants respectfully request that the Examiner withdraw his rejection of claims 1, 11 and 20 as well as claims 2 – 10, 12 – 19, and 21 – 23 which depend either directly or indirectly from the above cited, respective, independent claims.

Applicants have overcome the rejection of the claims of the present application but with the intent of not limiting the scope of the invention protection afforded by the patent laws and these claims any further than absolutely necessary. Accordingly, the terms of these claims should be interpreted as broad as permitted by the prior art to provide for full protection for Applicants' invention under 35 U.S.C. §271. It is respectfully submitted that each of the outstanding rejections has now been overcome and that each claim is in condition for allowance. Reconsideration under 37 C.F.R. §1.111 and §1.112 is respectfully requested.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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